

D-5593

SHANGHAI MUNICIPAL POLICE

CROSS-REFERENCE SLIP

Sp. Br. Registry. OFFICE

FILE NO. D-8593

SUBJECT:

Japanese Authorities and local Courts.

VIAI 4.
Chengtu Road Rd.

Sept. 13, 40.

Visit of Japanese to the 2nd Branch Wianzsu High Court, Wei Hui Wei
Road.

III and

D. T. Hill.

Sir,

At 3.15 p.m. 13-9-40, C.P.C. 213, C.P.C.s 3244 and 2744, on duty at the 2nd Branch of the Wianzsu High Court, No. 12/156 Wei Hui Wei Road, reported that at 2.50 p.m. 13-9-40 a party of some eight Japanese accompanied by a male Chinese visited the High Court, they remained on the premises for about five minutes and left in three m/cars. The male Chinese who apparently was acting as escort to the party was identified as Mr. T.S. Lee, Assistant Municipal Advocate.

The undersigned communicated with Supt. Shellswell, Liaison Officer Municipal Advocates Office, in order to obtain further verification of the reported presence of the representative of the Municipal Advocates Department. The letter mentioned officer after conferring with Mr. R.T. Bryan, jr. Municipal Advocate, informed the undersigned that the Japanese were Judicial Officers from Tokyo, Japan and a tour of the Chinese Courts had been arranged through Mr. C. Akagi, Special Deputy Commissioner. The undersigned immediately informed the D.O. "A" who stated that he had no information on the subject.

At 3.25 p.m. 13-9-40, a telephone message was received from the Intelligence Officer, U.S.M.C. reporting the visit of the Japanese to the High Court and asking if the S.M.Police had any information on the subject, the former was informed of the result of Police enquiries.

I am, Sir,
Yours obediently,
Hill
D. T.

DATE 14 9/40

Misc.

310/40

Changtu Road POLICE

Aug. 21. 1940.

B. D. 8593

Visit of Japanese to the entrance of the 2nd Branch Kiangsu High Court,
Wei Hai Wei Road.

D. I. Hill

Officer i/c.

Sir,

I beg to report that at 11.05 a.m. 21-8-40, a m/car bearing S.D.F. Licence plate No. 301, stopped at the entrance to the 2nd Branch of the Kiangsu High Court on Wei Hai Wei Road, two male Japanese in civilian clothing alighted from the car and approached C.P.C. 1913, who was on duty at the entrance and speaking in Peking dialect, asked the Police officer if the 1st S.S.D.Court situated on Chekiang Road had been transferred to the 2nd Branch of the Kiangsu High Court, as per report appearing in the Foreign Press, the C.P.C. stated that he had no knowledge on the subject, the Japanese then re-entered the car and drove away in a western direction on Wei Hai Wei Road.

I am, Sir,

Yours obediently,

Hill

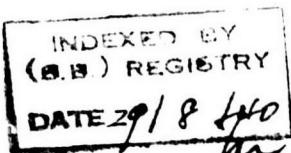
D. I.

D. O. "A"

D. D. O. "A"

S/Branch.

U.S.W.C.



C.P.C.1913 attached to Chengtu Road Sta.

D. I. Hill

Ch. Rd. Sta.

21-8-40

Clerk Weng.

I am C.P.C. 1913 attached to Chengtu Road Station.

At 11.05 a.m. 21-8-40, I was on duty at the 2nd Branch of the Jiangsu High Court No. 22/155 Wei Hai Wei Road., when a m'car bearing S.D.F. Licence plate No. 301, stopped on Wei Hai Wei Road at the entrance to Lane 155 nearby where I was standing. I saw two Japanese alight from the car, they were wearing civilian clothing. they approached me, and one of them speaking Peking dialect, spoke as follows:- "What is the meaning of the term 2nd Branch of the Jiangsu High Court?, has the 1st Special District Court at Chkiang Road removed here today?" I told the Japanese that I did not know. the Japanese then said "The news has appeared in the Foreign press that the 1st Special District Court in Chkiang Road will be removed to this address". The Japanese did not converse further on the subject, but re-entered the car and drove away in a western direction along wei hai wei Road.

Signed:

File No.

SHANGHAI MUNICIPAL POLICE.

8593

S. I., Special Branch 39

REPORT

Date December 20, 1939.

Subject: Gaol of the Shanghai Second Special District Court - clerical staff and other employees demanding allowances.

Made by: D. I. Pan Lien-pih Forwarded by: D. I. Crawford

About two months ago, some 140 members of the Gaol of the Shanghai Second Special District Court, Rue Massenet, French Concession, submitted a demand to the court authorities for an allowance of \$15 each per month due to the high cost of living and the President applied to the Ministry of Justice for instructions. No reply has yet been received from the Ministry, and the employees on December 19 requested the assistance of Mr. Yang Pang (楊邦), President of the 3rd Branch of the Kiangsu High Court, who agreed to petition the Ministry of Justice to issue instructions as soon as possible. A temporary allowance would be given at the end of December if no reply is received from the Ministry by that time. These employees are working as usual.

Pan Lien-pih

D. I.

D. C. (Special Branch)

SHANGHAI MUNICIPAL POLICE. S. B. REGISTRY

S.2 Specified No. S. B. D. 5000

REPORT

Date December 8, 1939

Subject Detectives of S.C.G. Police Bureau seen on Weihaiwei Road near Kiangsu High Court.

Made by and Forwarded by Supt. Tan Shao Liang

Copy sent
Dec 8

DC Crime
Information
1/2

While leaving my home at 930/75 Weihaiwei Road at 2015 p.m. December 8, 1939, I perceived three detectives of the Police Bureau of the Shanghai City Government, one of whom was Deputy Chief Detective Mao Tse Ying (毛子英), alighting from a public licensed motor car No. 17672 on Weihaiwei Road near the scene of this morning's shooting. The party entered the alleyway leading to the Kiangsu High Court.

Tan Shao Liang
Superintendent.

D. C. (Special Branch)

S. B.
Ad. 9
12



FILE

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

CRIME REGISTER No:- M.S.C. 453/39

"A" Division.
Chengtu Road Police Station.
November 25, 1939.

| Diary Number:- | 1 | Nature of Offence: |
|--|-----------------------------------|---|
| Time at which investigation begun and concluded each day | 1.15 p.m. - 3.00 p.m. 25-11-39 | Places visited in course of investigation each day Kiangsu High Court. Det. office. |

RECORD OF INVESTIGATION.

Two Male Japanese Subjects visit the Kiangsu High Court situated at 24/155 Wei Hai Wei Rd.

At 1.15 p.m. 25-11-39, S. & C. 331 on duty together with S.P.C. 339 at the premises of the Kiangsu High Court at Wei Hai Wei Road, telephoned the station stating that two male Japanese subjects had approached C.P.C. 399 at the entrance to the above premises and enquired from the latter if the court offices were open.

On receipt of the message, the undersigned proceeded to the court's premises and ascertained the following from the two S.P.C.s and C.P.C. 339 who was also on duty at the premises.

At 1.12 p.m. 25-11-39 a black Ford 5 seater car, bearing S.M.C. Lic. No. 5284 which was driven by a Chinese, who is assumed to be a chauffeur, stopped at a point on Wei Hai Wei Road opposite the entrance to Lane No. 155 Wei Hai Wei Road.

Two male Japanese subjects alighted and approached C.P.C. 399 enquiring from the latter if the court's offices were open. On receiving an answer in the negative both then returned to the waiting car and drove off in a western direction along Wei Hai Wei Road.

Description is as follows:-

1. Age about 30 years, height about 5'4", medium build, wearing a dark blue suit, hatless.

SHANGHAI MUNICIPAL POLICE.

CRIME DIARY.

CRIME REGISTER No:

Division.
Police Station.

19

| Diary Number: | 1/2 | Nature of Offence: |
|--|------------|--|
| Time at which investigation begun and concluded each day | | Places visited in course of investigation each day |

RECORD OF INVESTIGATION.

2. Age about 35 years, height about 5'2", slim build, wearing a dark blue suit, and a grey felt hat.

Enquiries at the Traffic Office ascertained that the car is registered in the name of Morikake Agura, House No. 10, Lane 199, Madge Road. The plates were issued on 15-10-39.

D.I. Nobayashi, attached to Central was informed, and the above facts conveyed to him at 1.50 p.m. 26-11-39. He will enquire as to the reason for the visit.

D.S. Wischenko (Special Branch) also informed.

S. H. A.
S. H. A.
Date. Mo.

Mr. Succi
D.S. 67.

Sp. Branch.

D. O. "A"

D. D. O. "A"

CTH

SHANGHAI MUNICIPAL POLICE.

Section I, Special Branch. 86641

REPORT

Date November 23, 1939.

Subject Attached translation from the Mainichi of November 18th, 1939.

Made by D.S.I. Hide.

Forwarded by C. G. S. I.

The Superintendent of the Kiangsu No.2 Branch Gaol has been interviewed in connection with the attached translation from the Mainichi and enquiries have been made among the clerks and attendants of the First Special District Court as a result of which it has been ascertained that no correspondence has passed between the gaol and court staffs and the National Government.

On July 1st 1939 the clerks and attendants were granted the return of 8% which had previously been cut from their salaries.

D. S. I.

D. C. (Special Branch).

MEMORANDUM

FROM THE MUNICIPAL ADVOCATE'S OFFICE,
SHANGHAI MUNICIPAL COUNCIL.

To ... Mr. ...
Mr. ...

Shanghai,

193

Oct 10, 1939

RE: ~~the collection~~.

Mr. Chen with his usual thoroughness
capt. Huan-ku 602 Branch of Bank, who had his
attention to the following facts as mentioned below.
In view of the present world situation, the
management of 602 Branch of Huan-ku Branch
of the Shanghai Government.

With a number of loans assumed their old
pay since July 1st 1939, meaning that the 5% which was
not owing the early part of the last year has been
retained by them.

J. S. Shuey
J. S. Shuey
10/10/39

MAINICHI 19.11.39

EMPLOYEES OF CHINESE COURTS IN SHANGHAI LODGE
COMPLAINT WITH CHUNGKING GOVERNMENT RELATING
TO THEIR TREATMENT

Dissatisfaction due to the falling value of legal tender notes and the high cost of living has been growing among the employees of the Chungking Government Courts and Gaols in Shanghai. Recently the Court gaol authorities have been faced with difficulty in purchasing foodstuffs for prisoners because merchants who have been supplying foodstuffs to the gaols have become disinterested in the business. For this reason, the entire staff sent a letter of protest to the Chungking Government. The employees of the Shanghai Special District Court Gaol and of the Kiangsu High Court Gaol in the French Concession are reported to have sent a joint letter to the Ministry of Justice of the Chungking Government asking for better treatment.

C Yang Fong, representative of the Second Special District Court Gaol is reported to have sent a letter to the Chungking Government asking it to remit funds urgently because no merchants wish to supply food to the Gaol which is now receiving assistance from the French authorities.

25/11
26/2

CHINA PRESS.

SEP 20 1939

***Nanking Puppets To
Discuss Recovery Of
Judicial Bodies Here***

(Domestic)

NANKING, Sept. 19.—First meeting of the "Judicial jurisdiction recovery committee" of the "Reformed Government" was held yesterday morning at the "Ministry of Foreign Affairs."

The "committee" has decided to hold a regular meeting once a week hereafter to continue discussion of the questions of abolition of consular jurisdiction and recovery of the first and second special district courts.

F.I.D.

C-12
7

6.9.39 (AM) **Sin Shun Pao** (Japanese-owned Chinese language newspaper) publishes the following Nanking correspondence :-

**MINISTRY OF FOREIGN AFFAIRS AT NANKING ENERGETICALLY
ENGAGED IN PROMOTING THE RECOVERY OF COURTS IN THE
FOREIGN SETTLEMENTS OF SHANGHAI**

FILE
6/4

Since his appointment, Mr. Hsia, the new Minister of Foreign Affairs of the "Reformed Government", has been paying close attention to the recovery of judicial rights in the Foreign Settlements of China. A set of regulations governing the formation of a "Preparatory Committee to Effect the Recovery of Judicial Rights", which were recently drawn up by the Ministry

September 6, 1939.

Morning Translation.

of Foreign Affairs, have been approved by the Executive Yuan and the Preparatory Committee may be formed soon.

The following are the regulations governing the formation of the Preparatory Committee :-

Article 1. To uphold the integrity of the country's judicial rights, the Ministry of Foreign Affairs, in conjunction with the Ministry of Justice, will establish a Preparatory Committee to Effect the Recovery of Judicial Rights.

Article 2. The Minister of Foreign Affairs will be the presiding member of this Preparatory Committee with the Vice Ministers of Foreign Affairs and Justice as members. The Ministry of Foreign Affairs and the Ministry of Justice will each elect 3 to 5 members from among its staff as members of the Committee.

Article 3. The presiding member of the Committee may appoint experts as special members.

Article 4. The Committee will deal with the following affairs :-

- (a) Matters relating to the abolition of Consular Jurisdiction.
- (b) Matters relating to the taking over of the Courts in the two Special Districts of Shanghai.
- (c) Matters that have been discussed by the various Yuans and Ministries.
- (d) Matters brought up by various provincial or municipal authorities.

Article 5. The Committee will have a Secretariat consisting of three sections, namely, the Secretary's Section, the General Affairs Section and the Propaganda Section as follows :-

The Secretary's Section

- a) Receiving and dispatching of documents, letters, etc.
- b) Drafting of documents or telegrams and custody of same.
- c) The calling of meetings.
- d) Discussing the programmes of meetings and controlling the subjects discussed.
- e) Keeping the minutes of meetings.

The General Affairs Section

- a) Purchasing supplies and taking charge of same.
- b) Arranging meeting places.
- c) Miscellaneous.

The Propaganda Section

- a) Gathering of intelligence concerning the Committee.
- b) Undertaking propaganda and broadcasting matters.
- c) Compiling statistics and reports.
- d) Arranging receptions for guests, etc.

Article 6. The Secretariat will have a secretary and several clerks to handle affairs.

Article 7. The Committee will be attached to the Ministry of Foreign Affairs.

Article 8. The Committee will hold a meeting every week, the date to be arranged by the presiding member of the Committee. When the presiding member cannot attend the meeting owing to various reasons, members attending the meeting may appoint an acting chairman.

Article 9. The Committee will hold meetings when more than 50% of the members are in attendance; all resolutions passed at the meetings should be approved by more than 50% of members present.

Article 10. The Committee should report to the Ministry of Foreign Affairs any resolutions passed at its meetings so that the Ministry may take action in conjunction with the Ministry of Justice.

Article 11. The staff of the Secretariat of the Committee will be appointed by the presiding member from among the members of the staff of the Ministry of Foreign Affairs.

Article 12. Members of the Committee and members of the staff of the Secretariat of the Committee will not be given any pay or allowances or locomotion expenses.

Article 13. The expenses of the Committee will be met by the Ministry of Foreign Affairs.

Article 14. These regulations are subject to revision at any time if necessary.

Article 15. These regulations will be promulgated for enforcement by the Ministry of Foreign Affairs after they have been approved by the Executive Yuan.

P. 1

August 24, 1939.

Morning Translation.

Shun Pao :-

THE SHANGHAI CITY GOVERNMENT AND THE LOCAL COURTS

Mayor Fu Siao-en of the Shanghai City Government has repeatedly requested the S.M.C. and the French Consul-General to hand over to him the First and Second Special District Courts in the Foreign Settlements in Shanghai.

It is learned that Mr. Phillips, Commissioner-General of the S.M.C., has given the following reply to the City Government which is in accordance with the Court Agreement :-

"This Council acknowledges receipt of the official letter from the Shanghai City Government dated August 12.

"The First Special District Court was established according to the Court Agreement concluded between the Chinese Government and Brazil, America, Great Britain, Norway, Holland and France and delegates of other Powers. As the Council is not one of the signatories, you should negotiate with the signatories of the Court Agreement if you want anything relating to the First Special District Court."

FILE

August 11, 1939

TAIRIKU SHIMPO

ILLOGICAL ARGUMENT OF BRITISH AUTHORITIES ON
THEIR PROTECTION OF NATIONAL GOVERNMENT'S
COURTS

In connection with the question of trespass upon the buildings of the First Special District Court committed by the British Defence Force in Shanghai, great interest has been aroused in various quarters.

The British authorities advanced the argument that it was natural for the British Defence Force to undertake the guarding of the Court because it is situated within the British sector. Yet it is strange that no guards have been placed at the Second Kiangsu High Branch Court at No. 149 Weihaiwei Road although this Court is located within the American sector. If the stationing of soldiers in the building of the Court is justifiable the American Defence Force would have dispatched soldiers to the Court for the same reason as that advanced by the British authorities. On August 9 the American Defence Force posted only one soldier at the Court's gate. Judging by the foregoing, the stationing of guards at the First Special District Court constitutes an arbitrary action on the part of the British Defence Force and must have been taken in co-operation with the Chungking Government.

Local Japanese residents hope that their authorities will adopt strong measures against such deliberate assistance to the Chiang Kai Shek regime by the British authorities in an occupied area.

August 11, 1939.

Afternoon Translation.

Sin Shun Pao (Japanese-owned Chinese language newspaper):-

GUARDING OF THE FIRST SPECIAL DISTRICT COURT BY BRITISH
SOLDIERS CONSTITUTES AN ACT OF ASSISTANCE TO CHIANG KAI-SHEK

The stationing of British soldiers in the Shanghai First Special District Court is attracting the attention of the general public. The British authorities claim that this is nothing extraordinary since the Court lies within the British defence sector. No American force is stationed at the temporary office of the Second Branch of the Kiangsu High Court at No. 149 Weihaiwei Road, which lies within the American defence sector. If the stationing of forces in the Court is legal, then the American force would have adopted similar precautions at the Second Branch of the Kiangsu High Court. Only one American marine has been posted for duty in front of the temporary office of the Second Branch of the Kiangsu High Court on Weihaiwei Road as a precaution in connection with the anniversary of the August 13 Incident.

It will be seen from the foregoing that the action taken by the British soldiers at the Shanghai First Special District Court is unlawful for they are doing so at the request of the Chungking Government. It is a clear case of assistance to Chiang Kai-shek.

Local Japanese residents hope that the Japanese authorities will adopt strong measures to deal with the matter.

SPECIAL MUNICIPAL POLICE
S. C. INDUSTRY
No. S. B. D.

Chinese-American Daily News (Editorial) 8-10

The Position of the Special District Courts

After the withdrawal of the Chinese forces from Shanghai and vicinity, followed by the fall of Nanking, many organizations of the so-called "Reformed Government" made their appearance one after another in the local Foreign Settlements. The Shanghai Maritime Customs and the Chinese Post Office could not maintain their original stand. However, the Courts in the Foreign Settlements have been in existence independently and there is much significance in this.

Using the name of a certain organization, a certain Chinese named Lin (林) attempted unsuccessfully to take over the Shanghai First Special District Court in the spring of last year. In the spring of this year, Fu Siao-en, Mayor of the Shanghai City Government, sent a letter to the S.M.C. demanding the return of the Court. We know here that Japan has for a long time been doing her utmost to seize the Courts in the Foreign Settlements. Realizing the importance of the Courts, the authorities of the Foreign Settlements refrained from co-operating with her, resulting in the present impasse. However, Japan has not forsaken her ambition. Some time ago, the local Japanese Consul-General submitted demands to the British and American Consuls-General and the Chairman of the S.M.C. for the reorganization of the S.M.C. and the retrocession of the Special District Courts. It was recently reported that a demand had been submitted to the French authorities for the transfer of the Shanghai Second Special District Court.

The Special District Court in the International Settlement was reorganized in 1930 from the Provisional Court after the abolition of the Mixed Court, an agreement being signed by the National Government and the interested Powers. Therefore any change of this Court must be made according to the agreement. Japan has no right to demand the Powers concerned to alter the constitution of the Court since she is not one of

FILED

the signatories to the agreement, which expired on March 31, 1939. As the parties have not indicated their desire for a revision or abolition of the agreement, it continues in effect, whilst the signatories cannot now present a demand to the National Government for a reorganization of the Court. The "Reformed Government", which is not recognized by the signatories of this agreement, is not in a position to interfere with the question. In fulfilling their duty to protect the Court, the signatories of the agreement should try to maintain the independence of the Court should a third party attempt to interfere illegally with its administration.

The reason given by the Japanese Consul-General for taking over the Special District Courts is that the Judges of these Courts have been appointed by the Chungking Government and that the Chungking Government has no actual power in Shanghai. As the Powers of the signatories of the Court rendition agreement have so far treated the National Government as the only Chinese Government, it is natural that the Judges of the Courts should be appointed by the National Government. If the Judges should be appointed by the puppet organization, it would mean that the Powers of the signatories recognize this organization as a de facto Government.

The local Foreign Settlements are not Japanese occupied areas and the power of the National Government over the Special District Courts is still complete and it may continue to exercise its power over the Courts. So long as the sovereign rights of the National Government exist, the signatories of the Court rendition agreement have to recognize it as the legal Chinese Government.